DETAILED ACTION

This is a final Office Action in response to communications filed by Applicant on November 2, 2009. Applicant's amendments of the claims has been received and entered. Thus, claims 1, 4-13, 21-23 are currently pending and addressed below.

Allowable Subject Matter

1. Claims 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

2. Applicant's arguments have been fully considered but they are moot in light of the new grounds of rejection presented below. To the extent any arguments remain relevant, they are now addressed.

After reviewing the cited prior art, Applicant argues on page 14 of the Remarks that “a person with knowledge of Muller and Gormley would thus not produce a claimed embodiment of the present invention, especially in regard to towing (which is an important aspect of the present invention).”

At this point, it is useful to precisely determine what scope is encompassed by "the claimed embodiment" Applicant is arguing. Claim 1 recites in lines 14-20:

> a plurality of sensors for registering current operating conditions, the plurality of sensors including at least one load sensor (100) and at least one towing sensor (110), wherein the central control unit is arranged to limit access to at least one of the preset operating modes in response to an output value from at least one sensor of the plurality of sensors.

Claim 1 requires limiting access to an operating mode in response to *at least one* sensor output value. Thus, just one sensor value need be used to limit operating mode access, and that sensor value used for limiting mode access need not be from the towing sensor or load sensor.

Gormley does this by restricting access to the modes based on the output of the data card reader (Fig. 1, item 112). Though Gormley does not disclose a load or towing sensor, claim 1 only requires the presence of these sensors but does not require limiting mode access based on these sensors. Accordingly, it would have been obvious to stick onto the system of Gormley these well known sensors for the purposes in which they are normally used -- detecting load or towing.

Thus, combining well known load and towing sensors with the system as disclosed by Gormley would have been obvious. Accordingly, claim 1 remains rejected below. In contrast, the use of these towing and load sensors for the purposes of restricting modes as claimed in claims 9-12 is not well known, and therefore these claims are allowable.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 7-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites "at least one controllable accessory system". Claim 7 depends upon claim 6 and recites “a controllable accessory system”. The antecedent basis of this term in claim 7 suggests it is a new claim element. However, the identical terminology to the cited element of claim 6 suggests otherwise. Therefore, it is unclear if “a controllable accessory system” in claim 6 is one of the “at least one controllable accessory system[s]”, or instead is a distinct element.

Claim 8 recites “wherein the controllable accessory system”, which conveys that there is one “controllable accessory system”. In contrast, claim 6, upon which claim 8 depends recites “at least one controllable accessory system”, which conveys there is more than one controllable accessory system. Thus, it is unclear in claim 8 if another controllable accessory system that is separate from the "controllable accessory system in the form of a foldable roof rack" can be the "accessory system” to which “the central control unit is arranged to limit access to at least one of the preset operating modes”.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 4-8, 12-13 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gormley (5,513,107).

Regarding claim 1, Gormley discloses a vehicle control system, comprising:

a central control unit for controlling a plurality of motor vehicle subsystems according to at least two preset vehicle operating modes selected form a leisure mode, an economy mode, a sport mode, an off-road mode, a heavy-load mode, a zero emission mode or a parking mode (Col. 5, lines 1-7);

a driver interface with an input arrangement and an output arrangement for selecting the operating mode (Col. 4, lines 37-48); and

a plurality of sensors for registering current operating conditions, wherein the central control unit is arranged to limit access to at least one of the preset operating modes in response to an output value from at least one sensor of the plurality of sensors (Col. 4, lines 37-48 and Col. 7, lines 9-23).

Gormley fails to disclose sensors including at least one load sensor and at least one towing sensor, but the use of these sensors on vehicles are notoriously well known in order to have a vehicle system detect desired operating conditions.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to combine the vehicle control system as disclosed by Gormley with sensor known in the art as is well known in order to have a vehicle system detect desired operating conditions.

Regarding claims 4-5, Gormley fails to disclose a speed or tilt sensor, but the use of these sensors on vehicles are notoriously well known in order to have a vehicle system detect desired operating conditions.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to combine the vehicle control system as disclosed by Gormley

with sensor known in the art as is well known in order to have a vehicle system detect desired operating conditions.

Regarding claim 6, Gormley further discloses at least one controllable accessory system and that the central control unit is arranged to limit access to at least one of the preset operating modes in response to a mode of operation of at least one said accessory system (Col. 7, lines 9-23).

Regarding claims 7-8, Gormley fails to disclose a controllable accessory system in the form of a foldable towing hook or foldable roof rack.

However, foldable towing hooks and roof racks are notoriously well known in the art in order to provide use desired features such as towing or carrying cargo.

Therefore, it would have been obvious to combine the vehicle accessory system as disclosed by Gormley with towing hooks and roof racks as are notoriously well known in the art in order to provide use desired features such as towing or carrying cargo.

Regarding claim 12, Gormley further discloses wherein the output arrangement is integrated with a dashboard display and a dashboard-image is mode-adapted for each preset operation mode (Col. 4, lines 28-36).

Regarding claim 13, Gormley further discloses an automobile, comprising the vehicle control system according to claim 1 (Fig. 1).

Regarding claims 21-22, use of the system as recited above with respect to claim 1 reads on the method of this claim.

Regarding claim 23, the system as recited above with respect to claim 13 reads on the system of this claim.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIKHIL SRIRAMAN whose telephone number is (571)270-5797. The examiner can normally be reached on Monday through Friday, 7:30am-5:00pm, with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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